



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

DEAN D. EFSTATHIOU, Acting Director

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

September 2, 2008

IN REPLY PLEASE  
REFER TO FILE: **SM-0**

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**EXCLUSION OF PARCEL W55-08  
IN THE CITY OF PALMDALE FROM  
THE CONSOLIDATED SEWER MAINTENANCE DISTRICT  
(SUPERVISORIAL DISTRICT 5)  
(3 VOTES)**

**SUBJECT**

This action is to exclude those portions of the Consolidated Sewer Maintenance District lying within the City of Palmdale from the Consolidated Sewer Maintenance District.

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Adopt the Resolution of Intention to exclude from the Consolidated Sewer Maintenance District a certain parcel lying within the City of Palmdale and known as "Parcel W55-08."
2. Set the matter for public hearing and instruct the Executive Officer of the Board of Supervisors to publish the notice in both English and Spanish newspapers.

**AFTER THE PUBLIC HEARING, IT IS RECOMMENDED THAT YOUR BOARD:**

1. Consider all objections made to the exclusion of the territory from the Consolidated Sewer Maintenance District or to the continuance of the remaining territory as the Consolidated Sewer Maintenance District.
2. After considering all objectives, either:
  - a. Find the parcel to be excluded will not benefit by remaining within the Consolidated Sewer Maintenance District and that the remaining territory of the Consolidated Sewer Maintenance District will benefit by its continuance, and adopt a Resolution ordering the exclusion and reestablishing the remaining areas as the Consolidated Sewer Maintenance District; or
  - b. Find the parcel to be excluded will not benefit from exclusion and terminate proceedings.
3. If the exclusion is approved, adopt the Resolution approving and specifying that there will be no exchange of property tax revenues from the exclusion of this parcel.
4. If the exclusion is approved, instruct the Acting Director of Public Works or his designee to file the necessary statement of boundary change with the State Board of Equalization and the County Assessor.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended actions is to exclude Parcel W55-08 from the Consolidated Sewer Maintenance (District). Parcel W55-08 consists of the area of the District lying within the City of Palmdale (City).

On March 19, 2008, the City Council adopted City Resolution No. CC 2008-047 requesting withdrawal of the territory known as the City of Palmdale from the District. The City Council indicated the desire to gain local control over the operation and maintenance of their local sewer system due to the adoption of the Sanitary Sewer Overflow regulations by the State of California.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provision of Service Excellence (Goal 1). The City has requested its exclusion from the District to establish its own maintenance organization and create a direct access to information and services between the City and its residents on sewer-related matters.

### **FISCAL IMPACT/FINANCING**

There will be no impact to the County General Fund. This action will result in a \$1.4 million reduction in revenue for the District (Fund GA9) beginning Fiscal Year 2009-10, which will be offset by the elimination of services to the City.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

Per Section 4905 et seq. of the Health and Safety Code, any portion of a district that will not be benefited by remaining in the district may be excluded from the district. The parcel proposed to be excluded will not be benefited by remaining in the District because the City will be providing its own sewer maintenance program. The remainder of the District will benefit by continuing as a district and should be reestablished as the District.

Per Section 4906.1 of the Health and Safety Code, your Board may, by resolution, enter in its minutes a fixed time for a hearing on the question of the exclusion of any portion of a district, which will not be benefited by remaining in the district. The time fixed for the hearing shall not be less than 15 or more than 30 days from and after passage of the Resolution.

Per Section 4910 et seq. of the Health and Safety Code, if your Board finds that the territory proposed to be excluded will not be benefited by remaining in the District, and that the territory not proposed to be excluded will be benefited by continuing as a district, it shall, by resolution, declare the District be reestablished excluding therefrom the territory found not benefited by remaining in the District.

Per Section 4911 of the Health and Safety Code, upon the exclusion of said territory, all property acquired for the District shall remain vested to the County and be used for the purposes of the District.

In accordance with Section 58850 et seq. of the Government Code, this proposal was reviewed by the Acting Director of Public Works or his designee and the County Assessor. The boundaries were approved as to definiteness and certainty and are shown on the legal descriptions (Attachment B).

As required by Section 4908 of the Health and Safety Code, your Board shall direct its Executive Officer to publish a notice of the exclusion (Attachment C) in a newspaper of general circulation at least 10 days prior to the time fixed for the hearing.

The Acting Director of Public Works or his designee shall file the necessary statement of boundary change with the State Board of Equalization and the County Assessor as required by Section 54900 of the Government Code and Section 99 of the Revenue and Taxation Code.

Pursuant to Section 99 of the Revenue and Taxation Code, there will be no exchange of property tax revenue as a result of this action.

The Resolution of Intention (Attachment A), Property Tax Resolution (Attachment D), the Resolution Ordering Exclusion (Attachment E), and Notice of Hearing have been approved as to form by County Counsel.

### **ENVIRONMENTAL DOCUMENTATION**

Exclusion of territory from the District constitutes a change to a government funding mechanism, which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment and, therefore, pursuant to Section 15378(b)(4) of the California Environmental Quality Act (CEQA) Guidelines, does not constitute a project subject to CEQA.

The exclusion of territory from the District and the proposed operation of the sewer system for said territory by the City also constitutes an organizational or administrative activity of governments that will not result in direct or indirect physical changes in the environment. Therefore, Section 15378(b)(5) of the CEQA Guidelines also excludes said activity from the definition of a project that is subject to CEQA.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The services provided currently to the residents remaining in the District after exclusion will not be affected. The services to the residents in the excluded territory are proposed to be provided by the City.

The Honorable Board of Supervisors  
September 2, 2008  
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**CONCLUSION**

Please return two adopted copies of this letter to the Department of Public Works,  
Sewer Maintenance Division.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Efsthion", is written over a horizontal line. To the left of the signature, there is a small handwritten mark that looks like "4".

DEAN D. EFSTATHIOU  
Acting Director of Public Works

DDE:MdR:sb

Attachments (5)

c: Chief Executive Office  
County Assessor  
County Counsel

# **ATTACHMENT A**

**IN THE MATTER OF THE EXCLUSION OF  
PARCEL W55-08 FROM AND THE CONTINUANCE AND  
REESTABLISHMENT OF THE  
CONSOLIDATED SEWER MAINTENANCE DISTRICT**

RESOLUTION OF INTENTION

WHEREAS, the City of Palmdale, by Resolution No. CC 2008-047, has requested that the area of the Consolidated Sewer Maintenance District (District) lying within the City of Palmdale and known as "Parcel W55-08," be excluded from the District; and

WHEREAS, the parcel proposed to be excluded will not be benefited by remaining in the District; and

WHEREAS, the remainder of the District will benefit by continuing as a District.

BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles, State of California, as follows:

SECTION 1. It is hereby found and determined that the area hereinafter described in Section 3 (Parcel W55-08), territory within the District established under the provisions of Division 5 of the Health and Safety Code of the State of California, will not be benefited by remaining in said District, and should be excluded therefrom, effective July 1, 2009, in accordance with Section 4905 et seq. of said Health and Safety Code, as amended.

SECTION 2. It is also found and determined that the territory of the District other than Parcel W55-08 will benefit by continuing as a District and should be reestablished as the Consolidated Sewer Maintenance District, excluding therefrom said Parcel W55-08.

SECTION 3. That the public interest and convenience require, and it is the intention of said Board of Supervisors to order, that the hereinafter described territory be excluded from the District, that the boundary of the District be altered so as to exclude Parcel W55-08 (as described below), and that the territory not excluded shall continue as the Consolidated Sewer Maintenance District. Said territory to be excluded (Parcel W55-08) shall consist of that portion of said County included within the following exterior boundary lines:

SECTION 4. That the public hearing upon the proposed action will be held at 9:30 a.m. on Tuesday, the 23<sup>rd</sup> day of September 2008, which date is not less than fifteen (15) days or more than thirty (30) days from the adoption of this Resolution, in the Hearing Room of the Board of Supervisors, Room 381, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012, when the proposal and all objections will be heard and passed on by the Board of Supervisors, pursuant to Section 4905 et seq. of the Health and Safety Code and Section 99 of the Revenue and Taxation Code.

SECTION 5. That the Executive Officer of the Board of Supervisors shall cause notice of the proposed hearing for exclusion from, continuance of, and reestablishment of said District, in the manner and in the form required by law, to be published by one insertion in the Antelope Valley Press a newspaper circulated in the District, which newspaper is hereby deemed by the Board of Supervisors as the newspaper most likely to give notice of the proposed exclusion, continuance, and reestablishment to the District's inhabitants.



The foregoing Resolution was adopted on the 2nd day of September, 2008,  
by the Board of Supervisors of the County of Los Angeles.



SACHI A. HAMAI  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

By Charlotte R. Brasfield  
Deputy

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.  
County Counsel

By Carole B. Suzuki  
Deputy

NA:sb  
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# **ATTACHMENT B**

**WITHDRAWAL FROM  
CONSOLIDATED SEWER MAINTENANCE DISTRICT  
(In the City of Palmdale)**

**Parcel W55-08**

All those portions of the Consolidated Sewer Maintenance District lying within the City of Palmdale, in the County of Los Angeles, State of California, as said district and said city existed on June 30, 2008.

Containing: 12,965 ± acres  
20.25 ± square miles

*For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.*



Description Approved

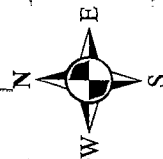
Dean D. Efstathiou  
Acting Director of Public Works

By:   
Licensed Land Surveyor

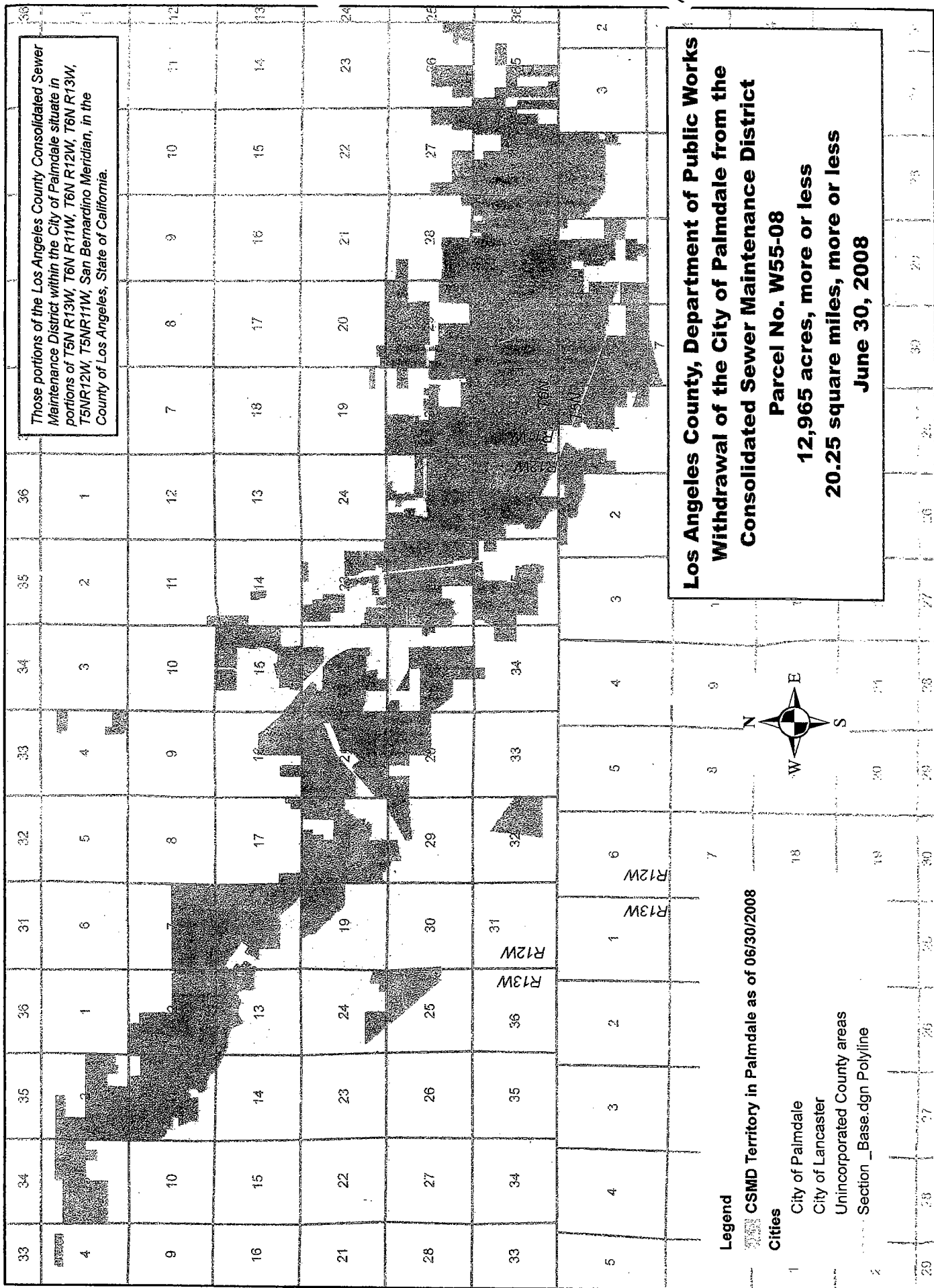
7/7/2008

Those portions of the Los Angeles County Consolidated Sewer Maintenance District within the City of Palmdale situate in portions of T5N R13W, T6N R11W, T6N R12W, T6N R13W, T5N R12W, T5N R11W, San Bernardino Meridian, in the County of Los Angeles, State of California.

**Los Angeles County, Department of Public Works**  
**Withdrawal of the City of Palmdale from the**  
**Consolidated Sewer Maintenance District**  
**Parcel No. W55-08**  
**12,965 acres, more or less**  
**20.25 square miles, more or less**  
**June 30, 2008**



- Legend**
- CSMD Territory in Palmdale as of 06/30/2008
  - Cities**
    - 1 City of Palmdale
    - City of Lancaster
    - Unincorporated County areas
  - Section Base.dgn Polyline



# **ATTACHMENT C**

## INSTRUCTION SHEET FOR PUBLISHING AND POSTING

### LEGAL ADVERTISEMENTS

From Department of Public Works

Sewer Maintenance Division

Notice of Hearing with regard to the Proposed Exclusion (Withdrawal) from the Consolidated Sewer Maintenance District of Parcel W55-08.

Territory within the Fifth Supervisorial District (Exclusion under Health and Safety Code, 1927 Act).

### PUBLISHING

Advertise as instructed below. In accordance with Section 4908 of the Health and Safety Code.

Publish in both English and Spanish, once in a newspaper of general circulation in the local areas (City of Palmdale), as designated in the Resolution.

Time limitation - publication to be at least 10 days prior to date of hearing. The date of hearing shall be not less than 15 and not more than 30 days after the date of adoption of the Resolution setting the hearing (Section 4907 of the Health and Safety Code).

We require two copies of the reprint (proofs) of this ad.

Other Instructions:

Two copies of the certified Board of Supervisors action are required for Sewer Maintenance Division, Department of Public Works, 900 South Fremont Avenue, Alhambra, California 91803.

NA:sb

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**NOTICE OF HEARING  
IN THE MATTER OF THE EXCLUSION  
OF PARCEL W55-08  
WITHIN THE CITY OF PALMDALE FROM THE  
CONSOLIDATED SEWER MAINTENANCE DISTRICT**

Notice is hereby given that the Board of Supervisors of the County of Los Angeles, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_ 2008, adopted a Resolution of Intention wherein it found and determined that the areas designated as Parcel W55-08 being territory in the Consolidated Sewer Maintenance District established under the provisions of Division 5 of the Health and Safety Code of the State of California, will not be benefited by remaining in said Consolidated Sewer Maintenance District and should be excluded therefrom, effective July 1, 2009, in accordance with Section 4905 et seq. of said Health and Safety Code, as amended.

Said territory to be excluded shall consist of all those portions of the Consolidated Sewer Maintenance District lying within the City of Palmdale, in the County of Los Angeles, State of California, as said District and said City existed on June 30, 2008.

A public hearing upon the proposed action will be held at \_\_\_\_\_ on Tuesday, the \_\_\_\_\_ day of \_\_\_\_\_ 2008, in the Hearing Room of the Board of Supervisors, Room 381, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012, when the proposal and all objections will be heard and passed upon the Board of Supervisors, pursuant to Section 4905 et seq. of the Health and Safety Code and Section 99 of the Revenue and Taxation Code.

The foregoing notice is given pursuant to said Resolution of Intention and by order of the Board of Supervisors for the County of Los Angeles, State of California.

For further information, please call (626) 300-3382.

**NOTICIA DE AUDIENCIA  
CON RESPECTO A LA EXCLUSION DE  
PARCELA W55-08  
DENTRO DE LA CIUDAD DE PALMDALE  
DEL DISTRITO CONSOLIDADO DE MANTENIMIENTO DE DRENAJES**

Por medio de la presente se da noticia que la Junta de Supervisores del Condado de Los Angeles, Estado de California, en el \_\_\_\_ día de \_\_\_\_\_ 2008, adoptó una Resolución de Intención en donde se encontró y determinó que las áreas designadas como Parcela W55-08 siendo parte del territorio del Distrito Consolidado de Mantenimiento de Drenajes estipulado bajo la clausula de la División 5 del Código de Salud y Seguridad del Estado de California, no se beneficiará siendo parte del Distrito Consolidado de Mantenimiento de Drenajes y debería de ser excluída a partir del 1 de Julio del 2009, en acuerdo con la Sección 4905 et seq. del Código de Salud y Seguridad como enmendada.

El territorio que va hacer excluido debe de consistir de todas las porciones del Distrito Consolidado de Mantenimiento de Drenajes situadas dentro de la Ciudad de Palmdale, en el Condado de Los Angeles, Estado de California, tal como el Distrito y la Ciudad existieron el 30 de Junio del 2008.

Una audiencia pública sobre la propuesta acción se celebrará a las \_\_\_\_\_ el Martes, \_\_\_\_\_ de \_\_\_\_\_ 2008, en la Cámara de Auditorias (Hearing Room) de la Junta de Supervisores, Room 381, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012, cuando la propuesta y oposiciones serán escuchadas y decretadas por la Junta de Supervisores, conforme a la Sección 4905, et seq. del Código de Salud y Seguridad (Health and Safety Code) y Sección 99 del Código de Ingresos e Impuestos (Revenue and Taxation Code).

La consiguiente noticia se da de acuerdo a dicho Intento de Resolución y por orden de la Junta de Supervisores para el Condado de Los Angeles, Estado de California.

Para más información, favor de llamar al teléfono (626) 300-3308.



# **ATTACHMENT D**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF LOS ANGELES, CALIFORNIA  
APPROVING AND ACCEPTING NEGOTIATIONS  
THAT THERE WILL BE NO EXCHANGE OF PROPERTY TAX REVENUES  
FROM THE EXCLUSION OF PARCEL W55-08 FROM THE  
CONSOLIDATED SEWER MAINTENANCE DISTRICT**

WHEREAS, pursuant to Section 99 of the Revenue and Taxation Code, prior to the effective date of any jurisdictional change, the governing bodies of all agencies whose service areas or service responsibilities would be altered by such change must determine the amount of property tax revenues to be exchanged between the affected agencies and approve and accept the negotiated exchange of property tax revenue by resolution; and

WHEREAS, the Board of Supervisors of the County of Los Angeles is required to negotiate any exchange of property tax revenues on behalf of special districts located within the County; and

WHEREAS, the Board of Supervisors, acting on behalf of the County of Los Angeles and the Consolidated Sewer Maintenance District, has determined the amount of property tax revenues to be exchanged as a result of the exclusion of Parcel W55-08 from the Consolidated Sewer Maintenance District, entitled Parcel W55-08.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The negotiated exchange of property tax revenues resulting from the exclusion of Parcel W55-08 from the Consolidated Sewer Maintenance District entitled, Parcel W55-08, is approved and accepted.
2. For fiscal year commencing on and after July 1, 2009, no transfer of property tax revenues shall be made as a result of this action.

The foregoing Resolution was adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2008,  
by the Board of Supervisors of the County of Los Angeles.

SACHI A. HAMAI  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.  
County Counsel

By Carole B. Suzuki  
Deputy

NA:sb  
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# **ATTACHMENT E**

**A RESOLUTION ORDERING EXCLUSION OF ALL TERRITORY  
WITHIN THE CITY OF PALMDALE FROM AND  
THE CONTINUANCE AND REESTABLISHING  
OF THE CONSOLIDATED SEWER MAINTENANCE DISTRICT**

WHEREAS, the Board of Supervisors of the County of Los Angeles, State of California, on the \_\_\_\_ day of \_\_\_\_\_ 2008, did adopt a Resolution of Intention, wherein said Board declared its intention to exclude certain areas designated in said Resolution as all those portions within the City of Palmdale from the Consolidated Sewer Maintenance District, established under provisions of the Health and Safety Code, as amended, of the State of California, and to continue and reestablish said District.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That there were no objections or that objections made were duly considered.
2. Notwithstanding any objections, the Board finds that the territory proposed to be excluded will not be benefited by remaining in the Consolidated Sewer Maintenance District and that the territory not proposed to be excluded will be benefited by continuing as a District.
3. The Board declares the Consolidated Sewer Maintenance District reestablished excluding therefrom territory found not benefited by remaining in the District.

The foregoing Resolution was adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2008,  
by the Board of Supervisors of the County of Los Angeles.

SACHI A. HAMAI  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.  
County Counsel

By Carole B. Suzuki  
Deputy

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